

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**MYLAN INC., et al.,  
Petitioners,**

**v.**

**SOMAXON PHARMACEUTICALS, INC.,  
et al.,  
Respondents.**

Civ. No. 22-3944 (KM/JBC)

**ORDER**

THIS MATTER having come before the Court on the petition of Petitioners/Defendants and Counterclaim-Plaintiffs Mylan Inc. and Mylan Pharmaceuticals Inc. (collectively, “Mylan” or “Petitioner”) seeking to transfer consideration of this Motion to Quash to the District of Delaware pursuant to Fed. R. Civ. P. 45(f), or, in the alternative, to quash the deposition subpoena (“Subpoena”) served on Teva Pharmaceuticals USA Inc. (“Teva”) by plaintiff Somaxon Pharmaceuticals Inc. (“Somaxon”) and nonparties Currax Pharmaceuticals LLC, Currax Holdings LLC, and Currax Holdings USA LLC (collectively, “Currax”) (DE 1); and Currax having opposed Mylan’s motion (DE 6, 7); and Mylan having filed a reply (DE 9); and Magistrate Judge James B. Clark III having filed a report and recommendation (the “R&R”, DE 10) that Petitioner’s motion to quash be GRANTED IN PART solely to the extent that said Motion be transferred to the District of Delaware; and the deadline for objections having expired on October 14, 2022, without any objection having been received; and the Court having reviewed the matter *de novo* pursuant to 28 U.S.C. § 636, Fed. R. Civ. P. 72, and D.N.J. Local Civ. R. 72.1, and found itself in agreement with the well-reasoned R&R filed by Judge Clark;

IT IS, this 21<sup>st</sup> day of October, 2022,

ORDERED that the R&R (DE 10) is ADOPTED AND AFFIRMED, and that the motion to quash (DE 1) is GRANTED IN PART solely to the extent that said motion be transferred to the District of Delaware, where Civil Action No. 1:10-cv-01100 is pending.

The clerk shall close the file.

/s/ Kevin McNulty

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**KEVIN MCNULTY, U.S.D.J.**